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June 27, 2023

VIA ECF

Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Steven Rosati v. Long Island Railroad, et al.
1:21-cv-08594-JHR

Your Honor:

I represent Steven Rosati, the Plaintiff in the above referenced matter. I respectfully submit this letter in response to Ms. Hechtkopf's letter dated today and submitted on behalf of Defendants in response to Plaintiff's Letter Motion for Extension of Time filed yesterday (ECF #60), which I filed last night. Initially, I note that Plaintiff has no objection to Defendants' request that this be the final extension of discovery, should the Court grant our request, and I thank counsel for this willingness to accommodate our request. However, Ms. Hechtkopf incorrectly asserts that Plaintiff's Letter Motion "presents an inaccurate picture of the actual status of discovery"—there was certainly no intention whatsoever to present an inaccurate picture, nor has Plaintiff done so.

I am aware that there was a 90-day extension of fact discovery granted on April 14, 2023, as counsel points out; my letter merely indicated that this was Plaintiff's first request for extension of the *current* fact discovery deadline, which was correct. Additionally, I only just filed my notice of appearance last night after the close of normal business hours, and with the current fact discovery deadline coming to a close; however, although I was not involved with the previous communication between counsel about the scheduling of depositions (and other discovery matters), prior to submitting the Letter Motion, I did make sure to carefully review the correspondence that occurred between counsel on both sides prior to my involvement, and I was careful to note for the Court that while no objection was expressed to an extension, there had been no discussion of a specific length for the requested extension. This was an accurate statement. I was also clear that "Depositions of the Defendants remains outstanding," and there was nothing inaccurate about that statement either—in fact, these depositions do remain outstanding.



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Based on the foregoing, and on the content of the Letter Motion, it is respectfully requested that the time to complete fact discovery be extended by 45 days.

Respectfully submitted,

/s/ Edward Andrew Paltzik

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